

REMARKS/ARGUMENTS

This Amendment and Response is responsive to the Office action dated October 17, 2007, setting forth a shortened three-month statutory period for reply with a one-month extension of time expiring on February 17, 2008. This response is submitted on February 19, 2008, February 17 being a Sunday and February 18 being a Federal Holiday.

The Assignee thanks the Examiner for reviewing this application and issuing an Office action.

Prior to entry of this Amendment and Response, claims 1-22, 24 and 36-38 are pending in the application, with claims 1, 21, 22 and 24 being independent and claims 7-18, 21 and 22 being withdrawn from consideration. By this Amendment and Response, claims 1, 6, 19, 21, 22 and 24 are amended. Accordingly, after entry of this Amendment and Response, claims 1-22, 24 and 36-38 will remain pending, with claims 1, 6, 19, 21, 22 and 24 being independent and claims 7-18, 21 and 22 being withdrawn from consideration.

I. Rejection under 35 U.S.C. § 102

The Office action rejects claims 1-5, 24 and 36-38 under 35 U.S.C. § 102(b) over U.S. Patent Application Publication No. 2001/0016542 A1 to Yoshimura. For at least the following reasons, the Assignee respectfully traverses this rejection.

Independent claim 1 is amended to recite that the first and second treadles are respectively arranged to pivot at the rear thereof. On the contrary, as shown in Figures 1 and 2 of Yoshimura, for example, the right and left endless foot platforms R are arranged to pivot at the front. None of the embodiments disclosed by Yoshimura include treadles that are arranged to pivot at the front thereof as recited in independent claim 1.

Independent claim 24 is similarly amended to recite that the first and second treadles are pivotally connected at its respective rear. For the reasons discussed above, the Assignee respectfully submits that Yoshimura does not disclose this feature.

Therefore, the Assignee respectfully submits that amended independent claims 1 and 24 are patentable over Yoshimura. Claims 2-5 and 36-38 are patentable over Yoshimura at least in view of the patentability of claims 1 and 24 from which they respectively depend. Accordingly, the Assignee respectfully request withdrawal of the rejection of these claims over Yoshimura.

II. Conclusion

Withdrawn independent claims 21 and 22 are amended similarly to the amendment of independent claim 1 currently under consideration. The Assignee respectfully requests the Examiner to consider rejoinder of these claims, especially should the Examiner agree that the independent claims currently under consideration contain allowable subject matter.

A petition for a one-month extension of time accompanies this Amendment and Response. Accordingly, please charge Deposit Account No. 04-1415 in the amount of \$120.00 for the one-month extension of time. The Assignee believes no further fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this as authorization therefor and please charge such fees to Deposit Account No. 04-1415.

Should any issues remain that the Examiner believes may be dealt with in a telephone conference, he is invited to contact the undersigned at the number below.

Respectfully submitted,

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